



CITY OF RENO

Planning Commission

May 2, 2012
Staff Report

Agenda #

VI-11

Ward #

All

CASE NO.: TXT12-00012 (Moratorium on Applications to Alter, Enlarge, or Relocate Nonconforming, On-Premises Signs)

APPLICANT: City of Reno

REQUEST: This is a request to amend Reno Municipal Code, Title 18, "Annexation and Land Development," Chapter 18.16, "Signs," halting the acceptance of applications to alter, enlarge, or relocate non-conforming on-premises signs pursuant to Section 18.16.804 for a period to expire on or before July 3, 2012 together with other matters properly relating thereto.

LOCATION: Citywide

PROPOSED MOTION: Based upon compliance with the applicable findings, I move to recommend that City Council approve the text amendment by ordinance.

BACKGROUND:

February 22, 2012 - Council considered an appeal of an Administrative Decision and Hearing Examiner's decision regarding the alteration of an existing non-conforming sign located at the intersection of California and South Virginia Streets pursuant to RMC § 18.16.804, "Alteration, Enlargement, or Relocation." This section states: "No permit shall be issued for the alteration, enlargement, or relocation of a nonconforming sign unless the change will increase the level conformance with the provisions of this chapter and title." The alteration approved by Administrator resulted in a decrease of the size of the sign by approximately five percent. Council's vote was tied 3-3 and according to Council's rules the matter was put over until the next Council Meeting on March 14, 2012.

March 14, 2012 - Council approved and affirmed the Administrator's and Hearing Examiner's decisions. However, members of Council at both the February 22, 2012 and this hearing, requested that RMC § 18.16.804 be reviewed and necessary changes be brought forward forthwith to increase the amount of conformance necessary for approval.

March 28, 2012 - Council gave direction to bring forward a moratorium of not more than 90 days rejecting the acceptance of applications or the issuance of building permits regarding the alteration, enlargement, or relocation of non-conforming on-premises signs pursuant to RMC §18.16.804.

April 4, 2012 – The City Council approved a resolution directing staff to reject applications and/or refuse to issue building permits to alter, enlarge, or relocate on-premises for a period not to exceed 90 days.

Amendments to the RMC are made by ordinance. Reno City Charter, Section 2.100. Amendments to RMC Chapter 18 must first be reviewed by the Planning Commission. RMC § 18.16.302. Accordingly, the proposed moratorium is presented to the Planning Commission for review and making recommendations to Council.

The proposed amendment to RMC §18.16.804 regarding the amount of change necessary to approve an alteration, enlargement, or relocation to an existing, non-conforming, on-premises sign may be presented to the Planning Commission at the same hearing. Irrespective of when the proposed amendment to RMC § 18.16.804 is presented to the Planning Commission, legal recommends that the Planning Commission review this moratorium ordinance to give Council flexibility with respect to the amount of time needed to consider the proposed amendment to RMC § 18.16.804.

LEGAL REQUIREMENTS:

RMC 18.06.302 Amendments to Text of Title 18

FINDINGS:

Amendments to Text of Title 18: In order to adopt an amendment to the text of Title 18, the planning commission and city council shall find the following:

- (1) Text amendments shall be in substantial conformance with the statement of purpose and intent of this Title 18, as set forth Section 18.02.103.
- (2) Text amendments shall be in substantial conformance with the master plan.

Staff: Marilyn D. Craig, Deputy City Attorney

EXPLANATION: Matter underlined is new; matter in brackets [] is to be omitted.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING RENO MUNICIPAL CODE, TITLE 18, "ANNEXATION AND LAND DEVELOPMENT," CHAPTER 18.16, "SIGNS," HALTING THE ACCEPTANCE OF APPLICATIONS TO ALTER, ENLARGE, OR RELOCATE NON-CONFORMING ON-PREMISES SIGNS PURSUANT TO SECTION 18.16.804 FOR A PERIOD TO EXPIRE ON OR BEFORE JULY 3, 2012 TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

Preamble

WHEREAS, on February 22, 2012 and March 14, 2012, City Council considered an appeal of an application to alter an existing, non-conforming on-premises sign pursuant to RMC § 18.16.804. RMC § 18.16.804 states: "No permit shall be issued for the alteration, enlargement, or relocation of a nonconforming sign unless the changes will increase the level of conformance with the provisions of this chapter and title." In its deliberations, City Council became concerned with respect to the amount of change necessary for approval.

WHEREAS, on March 28, 2012, City Council gave direction to staff to review RMC § 18.16.804 and bring forth necessary amendments to amend the amount of change necessary for approval of applications to alter, enlarge, or relocate non-conforming, on-premises signs. In addition, on March 28, 2012, City Council gave direction to staff to bring forward a moratorium temporarily halting the acceptance of applications to alter, enlarge, or relocate non-conforming, on-premises signs.

SPONSORED BY: RENO CITY COUNCIL

THE CITY COUNCIL OF THE CITY OF RENO DO ORDAIN:

SECTION 1: Chapter 18.16 of the Reno Municipal Code is hereby amended by adding certain wording to and deleting certain wording, the same to read as follows:

Section 18.16.900. Moratorium on the Alteration, Enlargement, or Relocation of On-Premises Signs.

(a) Staff shall not accept applications to alter, enlarge, or relocate non-conforming on-premises signs pursuant to RMC § 18.16.804 for a period to expire on or before July 3, 2011.

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(b) There shall be one exception to this moratorium. The exception is for any applications to alter, enlarge, or relocate non-conforming on-premises sign regulated by RMC § 18.16.804 which were submitted before the approval of Resolution No. 7686 and which thereafter are deemed complete and accepted by the City of Reno in accordance with NRS 278.02327.

SECTION 2: If any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

SECTION 3: This ordinance shall be in effect from and after its passage, adoption, and publication in one issue of newspaper printed and published in the City of Reno.

SECTION 4: The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this ordinance published in one issue of the Reno-Gazette Journal, newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this _____ day of _____, 2012,
by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____ ABSENT: _____

APPROVED this _____ day of _____, 2012.

MAYOR OF THE CITY OF RENO

ATTEST:

CITY CLERK AND CLERK OF THE CITY
COUNCIL OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE:

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